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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/591,122	06/09/2000	Joseph L. Hellerstein	YOR000146US1	3432
7590 01/13/2005			EXAMINER	
William E Lewis Ryan & Mason LLP 90 Forest Avenue Locust Valley, NY 11560			THANGAVELU, KANDASAMY	
			ART UNIT	PAPER NUMBER
			2123	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application N .

09/591,122

Applicant(s)

HELLERSTEIN ET AL.

Examiner

Kandasamy Thangavelu

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 24 November 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attachment - A.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-4, 6-13 and 15-20.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

KEVIN J. TESKA  
SUPERVISORY  
PATENT EXAMINER

## **ATTACHMENT – A: ADVISORY ACTION**

1. This communication is in response to the Applicants' response dated November 24, 2004. Applicant's arguments filed on November 24, 2004 have been fully considered. Applicant's arguments, filed on November 24, 2004 under 35 U.S.C. 102 (b) are not persuasive.

### ***Arguments***

2.1 As per the applicant's argument that "Kim discloses methods of estimating motion in image data; however, Kim fails to disclose the determination of an optimum combination of sub-models to be used in computing on-line predictions, when a change is detected in data associated with the one or more operations for which predictions may be requested; Kim also fails to disclose the computing of one or more predictions, in response to one or more requests from the one or more applications, using the one or more sub-models determined to provide an optimum prediction combination; the Examiner contends that Kim teaches the selection of a best model which yields the smallest sum of absolute difference error, where each model includes multiple elementary models; ... in providing support for the rejection the Examiner first refers to a portion of Kim describing the determination of an optimum motion vector by predicting a plurality of motion vectors based on a corresponding plurality of motion models and selecting the best model and vector which yields the smallest sum of absolute difference error... there is no disclosure of a determination of an optimum combination of sub-models, nor a computation of a prediction using the optimum combination of sub-models; the Examiner also refers to a

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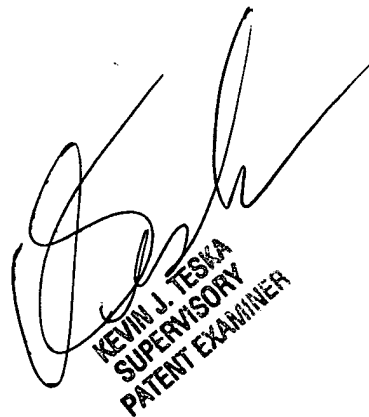
portion of Kim describing a 3-D spatial model that includes multiple elementary models to effectively treat motion discontinuity... there is no disclosure of a determination of an optimum combination of sub-models, nor a computation of a prediction using the optimum combination of sub-models... it is not clear how the determination of an optimum vector that yields a smallest sum of absolute difference error may be used in combination with a 3-D spatial model that includes multiple elementary models to disclose the invention recited in independent claims 1, 10 and 19 of the present invention... the Examiner states that it would have been obvious to one of ordinary skill in the art that Kim teaches selecting an optimal combination of sub-models; this statement alone demonstrates that Kim does not provide the proper disclosure in order to sustain a 102(b) rejection”, the Examiner respectfully disagrees.

**Kim** teaches predicting a plurality of motion vectors based on a corresponding plurality of motion models and selecting the best model and vector that yields the smallest sum of absolute difference error (CL4, L54-58). This is the optimum model. Kim teaches that the prediction model comprises the motion vector field, a 2-D spatial model and 3-D spatial model. The 3-D spatial model includes multiple elementary models (CL3, L53-67). Therefore, it is *inherent* that each of the plurality of motion models used for predicting the plurality of motion vectors comprises several elementary or sub-models. Therefore, Kim discloses a determination of an optimum combination of sub-models and a computation of a prediction using the optimum combination of sub-models.

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3. In view of the above explanation, the request for reconsideration has been considered but is not persuasive and does not place the application in condition for allowance.

K. Thangavelu  
Art Unit 2123  
January 3, 2005



KEVIN J. TESKA  
SUPERVISORY  
PATENT EXAMINER